

# MONTHLY CALL CENTER REPORT

March 2005

## Frequently Asked Questions

All Program Areas ..... 1

## Call Center Questions & Answers

Emergency Planning and Community Right-to-Know (EPCRA) ..... 3

## New Publications

Comprehensive Environmental Response, Compensation, and Liability Act  
(CERCLA) ..... 4

Emergency Planning and Community Right-to-Know (EPCRA)..... 5

## Federal Registers

Final Rules ..... 6

Proposed Rules ..... 7

Notices ..... 8

Settlements and Consent Decrees ..... 10

RCRA, Superfund & EPCRA Call Center  
(Services in support of OUST, OSW, OIAA, OEM, and OSRTI)  
National Toll-Free No.: (800) 424-9346      Local: (703) 412-9810  
TDD National Toll-Free No.: (800) 553-7672      Local: (703) 412-3323

This report is prepared and submitted in support of Contract No. 68-W-01-020.

Scott Maid, Project Officer  
Judi Kane, Deputy Project Officer  
U.S. Environmental Protection Agency  
Washington, DC 20460

Printed on  
Recycled Paper

## Availability

The complete text of the 1991 (November and December only) through December 2004 Monthly Call Center Reports may be accessed from the Internet. Go to EPA's Information Resources page at [www.epa.gov/epaoswer/osw/infoserv.htm](http://www.epa.gov/epaoswer/osw/infoserv.htm) and select RCRA Monthly Reports. Reports starting with January 2005 may be accessed at [www.epa.gov/superfund/resources/infocenter/reports.htm](http://www.epa.gov/superfund/resources/infocenter/reports.htm).

The Call Center maintains **an electronic mailing list** named `callcenter_oswer`. Subscribers can have Call Center announcements and Monthly Call Center Reports e-mailed to them as they are released at no charge.

- To subscribe to the Call Center electronic mailing list, send a blank e-mail to: `join-callcenter_oswer@lists.epa.gov`
- To unsubscribe from an EPA electronic mailing list send a blank e-mail to: `leave-listname@lists.epa.gov`  
For example,  
`leave-callcenter_oswer@lists.epa.gov`

## FREQUENTLY ASKED QUESTIONS

*What is a manifest discrepancy?*

Manifest discrepancies are significant differences between the quantity or type of hazardous waste designated on the manifest or shipping paper and the quantity or type of hazardous waste a facility receives. For bulk waste, variations greater than ten percent by weight constitute discrepancies; for batch waste, any variation in piece count (e.g., a discrepancy of one drum in a truckload) constitutes a manifest discrepancy. Significant differences in type are obvious differences which can be discovered by inspection or waste analysis (40 CFR §§264/265.72).

*What are the notification requirements for an owner bringing an underground storage tank (UST) into use?*

An owner who brings a UST system into use after May 8, 1986, must submit a notice of existence of such tank system to the state or local agency or department designated to receive such notice in Part 280, Appendix II, within thirty days of bringing such tank into use (§280.22). Owners should submit the Notification for Underground Storage Tanks (EPA Form 7530-1) or the appropriate state form.

*Must a professional engineer (PE) apply his seal to a facility's SPCC Plan in order to certify the Plan?*

Some states require a PE to apply his or her seal to effectuate a certification, whereas some states do not. Certification must be completed in accordance with the law of the state in which the PE is working (67 FR 47042, 47085; July 17, 2002).

*How are sites listed on the National Priorities List (NPL)?*

There are three methods by which EPA can place a site on the NPL. First, a site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (HRS). The HRS serves as a screening device to evaluate the relative potential of uncontrolled hazardous substances. Sites that score 28.50 or greater on the HRS are eligible for inclusion on the NPL. Second, each state may designate a single site as its top priority to be listed on the NPL regardless of its HRS score. Third, a site may be listed on the NPL if the Agency for Toxic Substance and Disease Registry has issued a health advisory that recommends dissociation of individuals from the release, EPA determines that the release poses a significant threat to public health, and EPA anticipates that it will be more cost-effective to use its remedial authority than to use removal authority to respond to the release (40 CFR §300.425(c)).

*Under EPCRA §311, is there an alternative to submitting a material safety data sheet (MSDS) for each hazardous chemical that meets or exceeds the reporting threshold?*

In lieu of submitting an MSDS for each hazardous chemical that meets or exceeds the reporting threshold under EPCRA §311, an owner or operator may submit the following: a list of the hazardous chemicals grouped by hazard category; the chemical or common name of each hazardous chemical as provided on the MSDS; and except for reporting of mixtures under §370.28(a)(2), any hazardous component of each hazardous chemical as provided on the MSDS (§370.21(a)(3)).

*Does an owner or operator of a facility with a Program 3 process need to maintain Material Safety Data Sheets (MSDSs) under the risk management program regulations?*

An owner or operator of a facility with a Program 3 process must compile information pertaining to the hazards of the regulated substances in the process, including toxicity information; permissible exposure limits; physical data; reactivity data; corrosivity data; thermal and chemical stability data; and hazardous effects of inadvertent mixing of different materials that could foreseeably occur. MSDSs meeting the requirements of 29 CFR §1910.1200(g) may be used to comply with this requirement to the extent they contain this information (40 CFR §68.65(b)).

# CALL CENTER QUESTIONS & ANSWERS

## EPCRA

### 1. Data Precision of Waste Management Quantities for Persistent Bioaccumulative Toxic (PBT) Chemicals

*A facility subject to EPCRA §313 exceeds the processing threshold for mercury, and determines that the total amount of mercury released from the facility in a particular year is 0.07 pounds. What level of precision must the facility use to report when filing a Form R for a persistent bioaccumulative toxic (PBT) chemical, such as mercury?*

As EPA stated in the PBT final rule, “Facilities should continue to report releases and other waste management amounts greater than 1/10 of a pound (except for dioxin and dioxin-like compounds), at a level of precision supported by the accuracy of the underlying data and the estimation techniques on which the estimate is based” (64 FR 58734, October 29, 1999). EPA recommends that values such as 0.07 pounds either be rounded up to 0.1 pound or reported as they are if the underlying data and estimation techniques support that level of precision. However, it is up to the facility to determine, based on the accuracy of the underlying data and the estimation techniques on which the estimate is based, whether it would be appropriate to round the value to 0.1 pound, report the value as is, or round the value to zero.

## New Publications

### How to order...

**NTIS Publications** are available by calling (800) 553-6847 or (703) 605-6000, or writing NTIS, 5285 Port Royal Road, Springfield, VA 22161. Use the NTIS Order Number listed under the document.

**NSCEP Publications** are available by calling (800) 490-9198 or by writing USEPA/NSCEP, PO Box 42419, Cincinnati, OH 45242-0419. Use the EPA Order Number listed under the document.

**Call Center Publications** are available by calling the Call Center at:

RCRA, Superfund & EPCRA National Toll-Free No.: (800) 424-9346 Local: (703) 412-9810  
TDD National Toll-Free No.: (800) 553-7672 Local: (703) 412-3323

### CERCLA

**TITLE:** Effective Contracting Approaches for Operating Pump and Treat Systems  
**PUBLICATION DATE:** April 2005  
**OSWER DIRECTIVE NO.:** 9283.1-21FS  
**EPA ORDER NO.:** EPA542-R-05-009  
**AVAILABILITY:** Internet  
**URL:** [www.cluin.org/optimization](http://www.cluin.org/optimization)

This fact sheet summarizes key aspects to consider when contracting pump and treat (P&T) systems for Superfund response actions. It is part of a series of fact sheets developed by EPA's Office of Superfund Remediation and Technology Innovation (OSRTI) as guidance to the ground water remediation community on effectively and efficiently designing and operating long-term ground water remedies at Superfund sites.

**TITLE:** Cost-Effective Design of Pump and Treat Systems  
**PUBLICATION DATE:** April 2005  
**OSWER DIRECTIVE NO.:** 9283.1-20FS  
**EPA ORDER NO.:** EPA542-R-05-008  
**AVAILABILITY:** Internet  
**URL:** [www.cluin.org/optimization](http://www.cluin.org/optimization)

This fact sheet summarizes key aspects of designing cost-effective pump and treat (P&T) systems for Superfund response actions. It is part of a series of fact sheets developed by OSRTI as guidance for the ground water remediation community on effectively and efficiently designing and

operating long-term ground water remedies at Superfund sites.

**TITLE:** O&M Report Template for Ground Water Remedies (with Emphasis on Pump and Treat Systems)  
**PUBLICATION DATE:** April 2005  
**OSWER DIRECTIVE NO.:** 9283.1-22FS  
**EPA ORDER NO.:** EPA542-R-05-010  
**AVAILABILITY:** Internet  
**URL:** [www.cluin.org/optimization](http://www.cluin.org/optimization)

This fact sheet provides a recommended report template that can be used to present information on the operations and maintenance (O&M) of a ground water remedy as part of a Superfund response action, particularly for those remedies including pump and treat (P&T). It is part of a series of fact sheets that developed by OSRTI as guidance to the ground water remediation community on effectively and efficiently designing and operating long-term ground water remedies at Superfund sites.

**EPCRA**

**TITLE:** Toxic Chemical Release Inventory Reporting Forms and Instructions; Revised 2004 Version

**PUBLICATION DATE:** January 2005

**EPA NO.:** EPA260-B-05-001

**AVAILABILITY:** Internet

**URL:** [www.epa.gov/tri/report/](http://www.epa.gov/tri/report/)

This document provides general guidance on completing and submitting the Form R and Form A Certification Statement under EPCRA §313. Reporting Year 2004 forms, included in this document, must be submitted by July 1, 2005.

**TITLE:** Toxic Release Inventory – Made Easy (TRI-ME) Software

**PUBLICATION DATE:** January 2005

**EPA NO.:** N/A

**AVAILABILITY:** Internet

**URL:** [www.epa.gov/tri/report/](http://www.epa.gov/tri/report/)

The Toxics Release Inventory - Made Easy (TRI-ME) software is a tool to help facilities comply with EPCRA §313 reporting obligations. The software can aid facilities in determining if they need to submit a Form R or Form A Certification Statement, preparing EPCRA §313 submissions, and submitting the forms electronically. In addition, the software includes the Toxic Release Inventory Assistance Library (TRIAL), which contains current TRI guidance documents to aid facilities in reporting.

# FEDERAL REGISTERS

## Availability

You may order copies of all major RCRA, Superfund & EPCRA Federal Registers by calling the Call Center.  
RCRA, Superfund & EPCRA National Toll-Free No.: (800) 424-9346  
Local: (703) 412-9810 TDD National Toll-Free No.: (800) 553-7672 Local TDD: (703) 412-3323

## Electronic Availability

Federal Registers from October 1994 to the present related to the Call Center's program areas are accessible via the Internet at: [www.epa.gov/fedrgstr](http://www.epa.gov/fedrgstr)

For RCRA/UST and selected CERCLA Federal Registers, choose: **Waste**. For selected EPCRA Federal Registers, choose: **Toxic Release Inventory**. For CAA §112(r) Federal Registers, choose: **Air**.

## FINAL RULES

### RCRA

#### **“Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System; Final Rule” March 4, 2005 (70 FR 10776)**

EPA established new requirements that revise the Uniform Hazardous Waste Manifest regulations and the manifest and continuation sheet forms used to track hazardous waste from a generator's site to the site of its disposition. The revisions will standardize the content and appearance of the manifest form and continuation sheet (Forms 8700-22 and 22a), make the forms available from a greater number of sources, and adopt new procedures for tracking certain types of waste shipments with the manifest. The effective date of this rulemaking is September 6, 2005.

#### **“Idaho: Incorporation by Reference of Approved State Hazardous Waste Management Program” March 8, 2005 (70 FR 11132)**

EPA issued a rule that codifies Idaho's authorized hazardous waste program in 40 CFR Part 272 and incorporates by reference those provisions of the state statutes and regulations that are authorized and federally enforceable. The effective date of this rulemaking is March 8, 2005.

#### **“Tennessee: Final Authorization of State Hazardous Waste Management Program Revision” March 14, 2005 (70 FR 12416)**

Tennessee applied for final authorization of the changes to its hazardous waste program under RCRA §3006(b), 42 U.S.C. 6926(b). EPA determined that these changes satisfy all requirements needed to qualify for final authorization and authorized the state's changes through this rule. The effective date of this rulemaking is May 13, 2005, unless EPA receives adverse comments by April 13, 2005.

#### **“Alabama: Final Authorization of State Hazardous Waste Management Program Revision” March 15, 2005 (70 FR 12593)**

Alabama applied for final authorization of the changes to its hazardous waste program under RCRA §3006(b), 42 U.S.C. 6926(b). EPA determined that these changes satisfy all requirements needed to qualify for final authorization and authorized the state's changes through this rule. The effective date of this rulemaking is May 16, 2005, unless EPA receives adverse comments by April 14, 2005.

**“Georgia: Final Authorization of State Hazardous Waste Management Program Revision”  
March 17, 2005 (70 FR 12973)**

EPA announced a stay of the immediate final rule published on January 27, 2005 (70 FR 3894), authorizing revisions to Georgia's hazardous waste management program under §3006(b), 42 U.S.C. 6926(b). The immediate final rule is stayed until April 20, 2005, to allow for an extended comment period. The effective date of this rulemaking is February 24, 2005. Comments must be received by March 20, 2005.

**“North Carolina: Final Authorization of State Hazardous Waste Management Program Revision”  
March 23, 2005 (70 FR 14556)**

North Carolina applied for final authorization of the changes to its hazardous waste program under RCRA§3006(b), 42 U.S.C. 6926(b). EPA determined that these changes satisfy all requirements needed to qualify for final authorization and authorized the state's changes through this rule. The effective date of this rulemaking is May 23, 2005, unless EPA receives adverse comments by April 22, 2005.

**“South Carolina: Final Authorization of State Hazardous Waste Management Program Revision”  
March 28, 2005 (70 FR 15594)**

South Carolina applied for final authorization of the changes to its hazardous waste program under RCRA§3006(b), 42 U.S.C. 6926(b). EPA determined that these changes satisfy all requirements needed to qualify for final authorization and authorized the state's changes through this rule. The effective date of this rulemaking is May 27, 2005, unless EPA receives adverse comments by April 27, 2005.

**PROPOSED RULES**

**RCRA**

**“Tennessee: Final Authorization of State Hazardous Waste Management Program Revisions”  
March 14, 2005 (70 FR 12435)**

EPA proposed to grant final authorization to the hazardous waste program revisions submitted by the State of Tennessee. EPA authorized the state's changes as a direct final rule without prior proposal in the Final Rules section (70 FR 12416; March 14, 2005). The direct final rule provides a detailed rationale for authorization. Comments must be received by April 13, 2005.

**“Alabama: Final Authorization of State Hazardous Waste Management Program Revisions”  
March 15, 2005 (70 FR 12634)**

EPA proposed to grant final authorization to the hazardous waste program revisions submitted by the State of Alabama. EPA authorized the state's changes as a direct final rule without prior proposal in the Final Rules section (70 FR 12593; March 15, 2005). The direct final rule provides a detailed rationale for authorization. Comments must be received by April 14, 2005.

**“Texas: Final Authorization of State Hazardous Waste Management Program Revision”  
March 18, 2005 (70 FR 13127)**

EPA proposed to grant final authorization to the hazardous waste program revisions submitted by the State of Texas. EPA determined that these revisions satisfy all the requirements needed to qualify for final authorization and proposed to authorize the state's revisions through this rule.

Comments must be received by April 18, 2005.

**“North Carolina: Final Authorization of State Hazardous Waste Management Program Revisions”  
March 23, 2005 (70 FR 14623)**

EPA proposed to grant final authorization to the hazardous waste program revisions submitted by the State of North Carolina. EPA authorized the state’s changes as a direct final rule without prior proposal in the Final Rules section (70 FR 14556; March 23, 2005). The direct final rule provides a detailed rationale for authorization.

Comments must be received by April 22, 2005.

**“South Carolina: Final Authorization of State Hazardous Waste Management Program Revisions”  
March 28, 2005 (70 FR 15611)**

EPA proposed to grant final authorization to the hazardous waste program revisions submitted by the State of South Carolina. EPA authorized the state’s changes as a direct final rule without prior proposal in the Final Rules section (70 FR 15594; March 28, 2005). The direct final rule provides a detailed rationale for authorization.

Comments must be received by April 27, 2005.

**EPCRA**

**“Dioxin and Dioxin-Like Compounds; Toxic Equivalency Reporting; Community Right-To-Know Toxic Chemical Release Reporting”  
March 7, 2005 (70 FR 10919)**

EPA proposed revisions to the Toxic Release Inventory reporting requirements to include the total individual grams and toxic equivalency (TEQ) for each dioxin and dioxin-like compound for release and waste

management activities. EPA also proposed to create a new form, the Form R-D, for facilities reporting dioxin and dioxin-like compounds. Comments must be received by May 6, 2005.

**NOTICES**

**“Agency Information Collection Activities: Proposed Collection; Comment Request; The 2005 Hazardous Waste Report, EPA ICR Number 0976.12, OMB Control Number 2050-0024”  
March 9, 2005 (70 FR 11628)**

EPA announced its plans to submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval: “The 2005 Hazardous Waste Report,” ICR Number 0976.12, OMB Control Number 2050-0024. The current expiration date for this ICR is October 31, 2005. Comments must be received by May 9, 2005.

**“Waste Characterization Program Documents Applicable to Transuranic Radioactive Waste From the Idaho National Engineering and Environmental Laboratory Advanced Mixed Waste Treatment Project for Disposal at the Waste Isolation Pilot Plant”  
March 10, 2005 (70 FR 11913)**

EPA announced its plans to conduct an inspection of waste characterization systems and processes at Idaho National Engineering and Environmental Laboratory Advanced Mixed Waste Treatment Project to verify that the site can characterize transuranic waste in accordance with EPA's Waste Isolation Pilot Plant Compliance Criteria. EPA also announced the availability of Department of Energy documents pertinent to the inspection. Comments must be received by April 11, 2005.

**“Agency Information Collection Activities: Proposed Collection; Comment Request; Final Authorization for Hazardous Waste Management, EPA ICR Number 0969.07, OMB Control Number 2050-0041”  
March 30, 2005 (70 FR 16265)**

EPA announced its plans to submit the following ICR to OMB for review and approval: “Final Authorization for Hazardous Waste Management,” ICR Number 0969.07, OMB Control Number 2050-0041. The current expiration date for this ICR is July 31, 2005. Comments must be received by May 31, 2005.

## **CERCLA**

**“Science Advisory Board Staff Office; Notification of a Teleconference Meeting of the Superfund Benefits Analysis Advisory Panel of the Science Advisory Board”  
March 17, 2005 (70 FR 13027)**

EPA’s Science Advisory Board (SAB) Staff Office announced that a public teleconference of the SAB Superfund Benefits Analysis Advisory Panel will be held on April 29, 2005. The SAB Panel will discuss its report responding to questions on EPA’s draft Superfund Benefits Analysis.

## **ALL PROGRAMS**

**“Science Advisory Board Staff Office; Cancellation of Public Meetings of the Science Advisory Board Environmental Engineering Committee”  
March 1, 2005 (70 FR 9951)**

EPA’s SAB Staff Office cancelled two public meetings of the SAB’s Environmental Engineering Committee. The meetings were announced on February 16, 2005 (70 FR 7934), and were scheduled for March 10, 2005, and March 15 through 17, 2005.

**“Modification of the RCRA, Superfund & EPCRA Call Center; Public Information Distribution”  
March 4, 2005 (70 FR 10620)**

EPA announced that the RCRA, Superfund & EPCRA Call Center will terminate support of RCRA and UST programs at close of business on Thursday, March 31, 2005. Individuals seeking information on RCRA and UST programs after that date will be directed to EPA’s Headquarters’ and Regional Offices’ Web sites for these programs. The Call Center will continue to respond to public inquiries about CERCLA, including the Small Business Liability Relief and Brownfields Revitalization Act; EPCRA, including the TRI program; SARA Title III; CAA §112(r); and OPA.

**“Agency Information Collection Activities OMB Responses”  
March 24, 2005 (70 FR 15082)**

This document announced the OMB responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). Specifically, ICR Number 1597.06, “Requirements and Exemptions for Specific RCRA Wastes (Renewal),” was approved on February 7, 2005. This ICR, OMB Control Number 2050-0145, expires February 29, 2008.

Additionally, ICR Number 1445.06, "Continuous Release Reporting Regulations (CRRR) under CERCLA 1980 (Renewal)," was approved on February 9, 2005. This ICR, OMB Control Number 2050-0086, expires February 29, 2008. ICR Number 1488.06, "Superfund Site Evaluation and Hazard Ranking System (Renewal)," was approved on February 10, 2005. This ICR, OMB Control Number 2050-0095, expires February 29, 2008. ICR Number 1446.08, "PCBs: Consolidated Reporting and Recordkeeping Requirements, in 40 CFR 302.8," was approved on February 9, 2005. This ICR, OMB Control Number 2070-0112, expires February 29, 2008. ICR Number 1487.08, "Cooperative Agreements and Superfund State Contracts for Superfund Response Actions (Renewal)," was approved on February 9, 2005. This ICR, OMB Control Number 2050-0179, expires February 29, 2008. ICR Number 1425.06, "Application for Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases Under CERCLA Section 123 (Renewal)," was approved on February 10, 2005. This ICR, OMB Control Number 2050-0077, expires February 29, 2008.

**"National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances; Notice of Public Meeting"**  
**March 30, 2005 (70 FR 16271)**

EPA announced that a meeting of the National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances (NAC/AEGL Committee) will be held on April 12 through 14, 2005, in Research Triangle Park, North Carolina. The NAC/AEGL Committee will address

acute toxicity and the development of acute exposure guideline levels.

**SETTLEMENTS AND CONSENT DECREES**

"Consent Decree; *United States v. FTR, LP, et al.*"  
March 3, 2005 (70 FR 10411)

"Proposed Settlement; Andela and River Bend Superfund Sites"  
March 4, 2005 (70 FR 10635)

"Proposed Settlement; Riverhills Battery Superfund Site"  
March 16, 2005 (70 FR 12882)

"Consent Decree; *United States v. Domenic Lombardi Realty, Inc.*"  
March 16, 2005 (70 FR 12898)

"Consent Decree; *United States v. Shell Oil Company, et al.*"  
March 16, 2005 (70 FR 12899)

"Consent Decree; *United States v. Velsicol Chemical Corp.*"  
March 16, 2005 (70 FR 12899)

"Consent Decree; *Kewanee Industries, Inc. v. Browning-Ferris Industries of Ohio, et al.*"  
March 23, 2005 (70 FR 14714)

"Consent Decree; *United States v. Waste Management of Wisconsin, Inc.*"  
March 23, 2005 (70 FR 14715)

"Consent Decree; *United States v. Chemical Waste Management, et al.*"  
March 30, 2005 (70 FR 16305)